

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

JAMES HARDNETT, MAURICE
SEGREST, On behalf of themselves and
others similarly situated

PLAINTIFFS

vs.

CASE NO. 5:05CV00121GH

CRACKERBOX #33, LLC, INC.,
ET AL.

DEFENDANTS

ORDER

Plaintiffs filed this action alleging that defendants discriminated against them on the basis of race. Plaintiffs brings this action pursuant to 42 U.S.C. § 1981, Title VII and the Arkansas Civil Rights Act of 1993 (“ACRA”), Ark. Code Ann. § 16-123-101 *et seq.* Plaintiffs worked in the two stores in Pine Bluff, and contend that the District Manager over both the stores, Joe Laliberte, used racial slurs and wrongfully terminated them.

Defendants have filed a motion to dismiss or in the alternative a motion for a more definite statement. Plaintiffs counter that they have sufficiently stated a claim for race discrimination. Plaintiffs have named at least sixteen Crackboxes as defendants. According to the allegations in the complaint, these Crackerbox stores are located in Arkansas and Laliberte is the manager of all of them. Plaintiffs contend that they as well as other African-American employed at this stores are discriminated against on the basis of race. While not particularly a model complaint in terms of allegations, the complaint sufficiently states a claim for race discrimination and sufficiently places defendants on notice of the claims, such that defendants can file a response to the complaint.

Thus, the Court finds that the motion to dismiss or in the alternative a motion for a more definite statement is denied.

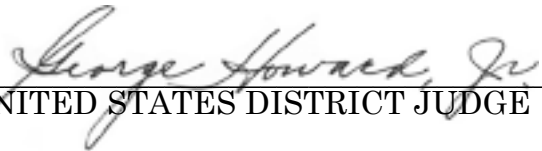
Plaintiffs have also filed a motion for extension of time to file for class certification. Plaintiffs state they need to obtain additional information and conduct discovery on the class certification issues. Plaintiffs seek an almost 4 month extension, or until January 20, 2006, to file their motion for class certification.

Defendants object. Defendants state that they have, through initial disclosures and responses to interrogatories, provided plaintiffs with sufficient information for use in a class certification motion. They state that review of the documentation should not take four months.

The Court is not of the opinion that the amount of time requested is excessive given the parties' schedules and the intervening holidays. Thus, the Court will grant plaintiffs until January 20, 2006, to file their motion for class certification.

Accordingly, the motion to dismiss or in the alternative for a more definite statement is denied; the motion to extend the deadline for the motion class certification is granted.

IT IS SO ORDERED this 21st day of October, 2005.


UNITED STATES DISTRICT JUDGE